

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 2014-1834

JRS Management

v.

Department of Justice

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

Name of the party you represent Department of Justice

Party is (select one)

☐ Appellant/Petitioner
☒ Appellee/Respondent

☐ Cross-Appellant
☐ Intervenor

Tribunal appealed from and Case No. Civilian Board of Contract Appeals, No. 3288

Date of Judgment/Order May 28, 2014 Type of Case Contract Disputes Act Claim

Relief sought on appeal Affirmance of board decision

Relief awarded below (if damages, specify) None.

Briefly describe the judgment/order appealed from The decision of the Civilian Board of Contract Appeals (CBCA) granted summary relief to the Government and denied all four counts of the appellant's breach-of-contract claim concerning a contract and task order for services (providing culinary arts instructors) at the Federal Correctional Institution in Miami, Florida.

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____

None.

Brief statement of the issues to be raised on appeal _____

As the appellee, we will not be raising any issues on appeal. Based upon our review of the appellant's docketing statement, this appeal will address whether the CBCA's conversion of the Government's motion to dismiss to a motion for summary relief was permitted and/or prejudicial to the appellant.

Have there been discussions with other parties relating to settlement of this case?

☐ Yes ☒ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☐ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated?

☐ Yes ☐ No

If they were mediated, by whom? _____

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not _____
 The issues on appeal identified in the appellant's docketing statement are issues of law that should be resolved by affirming the board's decision. Additionally, the appellant has indicated on its docketing statement that it does not believe that this case is amenable to mediation.

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____
 None.

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 16th day of October, 2014

by: Operation of the Court's ECF system.

(manner of service)

Devin A. Wolak

/s/ Devin A. Wolak

Name of Counsel

Signature of Counsel

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